

ORIGINAL
Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, D.C. 20554

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NOV 14 1996

Federal Communications Commission
Office of Secretary

In the Matter of)	
BLUESTONE BROADCASTERS, INC.)	MM DOCKET NO. 96-192
)	
For Renewal of License,)	File No. BR-950531ZF
WMTD(AM), Hinton, WV)	

To: Hon. Richard L. Sippel
Administrative Law Judge

DOCKET FILE COPY ORIGINAL

Petition For Leave To Amend
and
Amendment

The renewal applicant, Bluestone Broadcasters, Inc., WMTD, Hinton, WV, by counsel, tenders an Amendment to its renewal application and as the same may be required, requests leave to amend, with the original of such Amendment subjoined to the original copy of this pleading.

1. Your Honor's jurisdiction proceeds from Sec. 1.243 of the Commission's Rules (47 C.F.R. §1.243).

2. This is not a comparative case. The WMTD renewal application was designated for hearing on account of its "silent" status, upon issues relative to sufficient notification to the FCC and WMTD's intent and ability to resume operation which had been suspended by loss of site. WMTD has now found a new site. It has prepared and filed an application for construction permit for the minor change covering the new site and antenna system; no change in frequency, power or other significant specifications from its existing license. Bluestone has also developed a means to return

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the station to operational status on an almost immediate basis, utilizing a temporary antenna at the new site and a temporary ground system, with a portable building brought to the new site, all as described in its application (request) for Special Temporary Authority filed November 12, 1996. A copy of the filing letter for the CP and of the STA are attached (Attachs. 2A, 2B and 2C).

3. The instant Amendment reports, pursuant to Sec. 1.65 of the Rules the WMTD filing of the minor change application, with the Silent Station Expedited Consideration Request (See, FCC Public Notice May 22, 1996, DA 96-818), and amends the technical portion of the Renewal Application 1/ to substitute the new site and antenna installation/system (the proposed permanent one) for the license upon renewal, with the Section V-A engineering being the same as shown in and used for its minor change CP application, BP-961112__.

4. The renewal amendment is a minor amendment, per Sec. 73.3578, and see Sec. 73.3580(a)(1). It is in part required by Sec. 1.65 and in other part from the hearing issues and WMTD's attempts to re-store service agreeable with the FCC's announced concern and the agency's public announcements of assistance in getting silent stations back on the air. No party can realistically assert prejudice from the amendment. Its contents reflect its minor category, even beyond the "minor amendment" suit of Sec. 73.3578. There is no change in frequency or power, and the new site is less than 0.5 mi. from the licensed site which has been lost. No new or different interference considerations are involved. The applicant's diligence in coming

1/ The renewal application form, FCC 303-S, does not have a technical portion as such, but proceeds upon the premises of renewing the extant license per its specifications on file. The instant Amendment would substitute the new site and permanent antenna specifications shown in the engineering Sec. V-A and exhibits, as the license values for

up with the new site and amendment items following the September 17, 1996 designation for hearing and WMTD's engaging counsel in October (see WMTD's Motion for Order on Local Notice, filed November 8, 1996), suggest the reasonable diligence, and more, of any good cause test required for the amendment in this non-comparative case, responding to the FCC's Public Notices (Attach 3).

WHEREFORE, your petitioner prays that it be granted leave to amend its renewal application in the manner and form of the Amendment submitted herewith, that such Amendment be accepted and filed, and that it have such other and further relief as the nature of its case may require.

And, as in duty bound, etc.

Respectfully submitted,

Bluestone Broadcasters, Inc.

By: John B. Kenkel

John B. Kenkel
Its counsel

Kenkel and Associates
1901 L Street, NW #290
Washington, DC 20036
(202) 659-4401
November 14, 1996

Certificate of Service

I certify that a copy of the foregoing was delivered this 14th day of November, 1996 to:

Hon. Richard L. Sippel
Administrative Law Judge
Chambers 2nd Floor 2000 L Street, NW
Washington, D.C.

Jacqueline Ellington, Esq.
Counsel for Mass Media B
1225 M Street, NW #7212
Washington, D.C.

John B. Kenkel
John B. Kenkel

ORIGINAL

Attachment 1

The Amendment

To: FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Re: Application for renewal of license
Bluestone Broadcasters, Inc.
WMTD, Hinton, West Virginia

File No. BR-950531ZF
MM Docket No. 96-192

Amendment

The application for renewal is Amended to note therein the filing of an application for permit for a new site, i.e., minor change, modification of license. The minor change application FCC Form 301 has been completed and is forwarded for filing this date. It will be filed with the Silent Station Expedited Consideration Request, per FCC Public Notices relative to same. And, the Renewal is Amended, technical portion, to specify the new transmitter location, antenna system, etc., set out in the attached Form 301 Sec. V-A and exhibits.

Respectfully submitted,

BLUESTONE BROADCASTERS, INC.

November 9, 1996

Date

By:



Lonnie R. Mullins, President

SECTION V-A - AM BROADCAST ENGINEERING DATA

FOR COMMISSION USE ONLY

File No. _____

SSB Referral Date _____

Referred By _____

Name of Applicant

Bluestone Broadcasters Inc.

1. Purpose of Application: (check all appropriate boxes)

☐

Construct new station

☒

Make changes in authorized/existing station

Call Sign WMTD☐

Principal authorized/licensed community

☐

Hours of operation

☐

Frequency

☒

Transmitter location

☐

Power

☐

Filed in compliance with an Allotment Plan to migrate to the expanded band

☐

Main studio location

Allotment Number _____

☒

Antenna system (including increase in height by addition of FM or TV antenna)

☒

New antenna construction

☐

Alteration of existing structure

☐

Increase height

☐

Decrease height

☐

Non-DA to DA

☐

DA to Non-DA

☐

Other (Summarize briefly the nature of the changes proposed)

2. Principal community to be served:

State WV	County Summers	City or Town Hinton
-------------	-------------------	------------------------

3. Facilities requested:

Frequency: 1380 kHzHours of Operation: DAYPower: Night: - kW Day: 1.0 kWCritical Hours: NAClass of Station (A, B, C or D) D☐

Stereo

☒

Monaural

4. Transmitter location:

State WV	County Summers	City or Town Hinton
-------------	-------------------	------------------------

Exact antenna location (street address). If outside city limits, give name of nearest town and distance (in kilometers), and direction of antenna from town. 2,200 feet North of Madams Creek Rd. by cemetery

Geographical coordinates (to nearest second). For directional antenna give coordinates of center of array. For single vertical radiator give tower location. Specify South Latitude and East Longitude where applicable; otherwise, North Latitude or West Longitude will be presumed. (The Commission requires coordinates based on NAD 27.)

Latitude	37 ° 40 ' 58.5 "	Longitude	80 ° 54 ' 53 "
----------	------------------	-----------	----------------

COORDINATE DATA USES NAD 27

Section V-A - AM BROADCAST ENGINEERING DATA (Page 2)

5. Is the proposed site the same transmitter-antenna site of other stations authorized by the Commission, ☐ Yes ☒ No
or specified in another application pending before the Commission?

If Yes, indicate call sign or application file number: _____

6. Antenna system (including ground or counterpoise system)

Non-Directional ☒ Day ☐ Night ☐ Critical Hours

Estimated efficiency _____ 282 _____ mV/m per kW at one kilometer

If antenna is either top loaded or sectionalized, describe fully in an Exhibit. (Include apparent electrical height.)

Exhibit No.
DNA

- Directional ☐ Day only (DA-D) ☐ Night only (DA-N)
☐ Same constants and power day and night (DA-1)
☐ Different constants and/or power day and night (DA-2)
☐ Different constants and/or power day, critical hours and night (DA-3)

Submit complete engineering data in accordance with 47 C.F.R. Section 73.150 for each Directional antenna pattern proposed.

Non-Directional/Directional

If antenna(s) is/are either top loaded or sectionalized, describe fully in an Exhibit. (Include apparent electrical height.)

Exhibit No.
DNA

- Type of feed circuits (excitation) ☒ Series Feed ☐ Shunt Feed
☐ Folded Unipole ☐ Other (explain)

TOWERS (in meters, rounded to nearest tenth of a meter)	1	2	3	4	5	6
Overall height of radiator above base insulator, or above base, if grounded	60.0					
Overall height above ground (without obstruction lighting)	60.6					
Overall height above ground (include obstruction lighting)	60.6					
Overall height above mean sea level (include obstruction lighting)	656.3					

If additional towers, attach information exactly as it appears above.

7. Has the FAA been notified of the proposed construction? ☐ Yes ☒ No

If Yes, give date and office where notice was filed and attach as an Exhibit a copy of FAA determination, if available.

Exhibit No.

Date _____ Office where filed _____

Section V-A - AM BROADCAST ENGINEERING DATA (Page 2)

8. List all landing areas within 8 kilometers of antenna site. Give distances and direction to the nearest boundary of each landing area from the antenna site.

	Landing Area	Distance (km)	Direction
(a)	NONE		
(b)			
(c)			

9. Attach as an Exhibit a description and vertical plan sketch (including supporting buildings, if any) of the proposed structure, giving heights above ground, in meters, for all significant features. Clearly indicate existing portions, noting lighting, and distinguishing between the skeletal or other main supporting structure and the antenna elements. If a directional antenna, give spacing and orientation of towers.

Exhibit No.
ONE

If not fully described above, attach as an Exhibit further details and dimensions, including any other antennas mounted on tower and associated isolation circuits.

Exhibit No.

Attach as an Exhibit a plat of the transmitter site clearly showing boundary lines, roads, railroads, other obstructions, and the ground system or counterpoise. Show number and dimensions of ground radials or, if a counterpoise is used, show heights and dimensions.

Exhibit No.
TWO

10. Will the main studio be located within the station's principal community contour as defined by 47 C.F.R. Section 73.24(i)? ☒ Yes ☐ No

If No, attach as an Exhibit a justification pursuant to 47 C.F.R. Section 73.1125.

Exhibit No.

11. Is there a remote control location or is one to be established in accordance with 47 C.F.R. Section 73.1400? ☒ Yes ☐ No

If Yes, submit the following:

State WV	County Summers	City or Town Hinton
Street Address (or other identification) 95 Pleasant St.		

12. Attach as an Exhibit a sufficient number of aerial photographs taken in clear weather at appropriate altitudes and angles to permit identification of all structures in the vicinity. The photographs must be marked so as to show compass directions, exact boundary lines of the proposed site, and locations of the proposed 1000 mV/m contour for both day and night operation. Photographs taken in eight different directions from an elevated position on the ground will be acceptable in lieu of the aerial photographs if the data referred to can be clearly shown.

Exhibit No.
THREE

13. Is the population within the 1 V/m (1000 mV/m) contour less than 300 persons or less than 1.0 percent of the population within the 25 mV/m contour? ☒ Yes ☐ No

If No, attach as an Exhibit a justification pursuant to 47 C.F.R. Section 73.24(g).

Exhibit No.

14. Environmental Statement. (See 47 C.F.R. Section 1.1301 et seq.)

- (a) Would a Commission grant of this application come within 47 C.F.R. Section 1.1307, such that it may have a significant environmental impact, including exposure of workers or the general public to levels of RF radiation exceeding identified health and safety guidelines issued by the American National Standards Institute? ☐ Yes ☒ No

If you answer Yes, submit as an Exhibit an Environmental Assessment required by 47 C.F.R. Section 1.1311.

Exhibit No.
ENG. REP.

If No, explain briefly why not.

- (b) Distance from tower(s) to the nearest point of the fence enclosing the tower(s) in meters.

5.0 Meters

15. Allocation Studies

A. Daytime (for assistance, see 47 C.F.R. Section 73.37)

- (1) For daytime operation, attach as an Exhibit map(s) having appropriate scales, showing the 1000, 5, 2 and 0.5 (0.1, if Class A station) daytime contours in mV/m for both existing and proposed operations. On the map(s) showing the 5 mV/m contours CLEARLY INDICATE THE LEGAL BOUNDARIES OF THE PRINCIPAL COMMUNITY TO BE SERVED. **BP-14453. Original application.**

Exhibit No.

- (2) Does the daytime 5 mV/m contour encompass the legal boundaries of the principal community to be served? ☒ Yes ☐ No

If No, attach as an Exhibit a justification for waiver of 47 C.F.R. Section 73.24(i).

Exhibit No.

- (3) For daytime operation, for stations on a frequency between 535 kHz and 1605 kHz, attach as an Exhibit an allocation study utilizing Figure M-3 (Figure R-3, 47 C.F.R. Section 73.190) or an accurate full scale reproduction thereof and using pertinent field strength measurement data where available, a full scale Exhibit of the entire pertinent area to show the following:

Exhibit No.

ON FILE NO CHANGE
BP-14453

- (a) Normally protected and the interfering contours for the proposed operation along all azimuths.
- (b) Normally protected and interfering contours of existing stations and other proposed stations in pertinent areas with which prohibited overlap would result as well as those existing stations and other proposals which require study to clearly show absence of prohibited overlap. If prohibited overlap were to occur as a result of the proposal, appropriate justification for waiver of 47 C.F.R. Section 73.37 is to be included.
- (c) Plot of the transmitter location of each station or proposal requiring investigation, with identifying call letters, file numbers, and operating or proposed facilities.
- (d) Properly labeled longitude and latitude degree lines, shown across entire Exhibit.

- (4) For daytime operation, attach as an Exhibit a tabulation of the following:

Exhibit No.

- (a) Azimuths along which the groundwave contours were calculated for all stations or proposals shown on allocation study exhibits required by (3)(a).

ON FILE NO CHANGE BP-14453

- (b) Inverse distance field strength used along each azimuth.

- (c) Basis for ground conductivity utilized along each azimuth specified in (4)(a). If field strength measurements are used, submit copies of the analyzed measurements. If measurement data are taken from Commission records identify the source of the measurements in the Commission's files.

- (d) Calculated distances.

B. Critical Hours (If applicable, see 47 C.F.R. Section 73.187)

- (1) For critical hour operation, attach as an Exhibit map(s) having appropriate scales, showing the 1000, 5 and 0.5 critical hours contours in mV/m for both existing and proposed operations. On the map(s) showing the 5 mV/m contours CLEARLY INDICATE THE LEGAL BOUNDARIES OF THE PRINCIPAL COMMUNITY TO BE SERVED.

Exhibit No.

DNA

- (2) Does the critical hours 5 mV/m contour encompass the legal boundaries of the principal community to be served? ☐ Yes ☐ No

If No, attach as an Exhibit justification for waiver of 47 C.F.R. Section 73.24(i).

Exhibit No.

- (3) For critical hour operation, attach as an Exhibit an allocation study utilizing Figure M-3 (Figure R-3, 47 C.F.R. Section 73.190) or an accurate full scale reproduction thereof and using pertinent field strength measurement data where available, a full scale Exhibit of the entire pertinent area to show the following: The 0.1 mV/m groundwave contour pertinent arcs of Class A stations and appropriate studies to establish compliance with 47 C.F.R. Section 73.187 where operation is proposed on a U.S. Class A channel.

Exhibit No.

Section V-A - AM BROADCAST ENGINEERING DATA (Page 5)

C. Nighttime (for assistance, see 47 C.F.R. Section 73.182)

- (1) For nighttime operation, attach as an Exhibit map(s) having appropriate scales, showing the 1000 mV/m and coverage contours (appropriate minimum protected value for proposed class of station, or RSS nighttime interference-free contour, whichever is the greater value) for both existing and proposed operations. On the map(s) showing the interference-free contours **CLEARLY INDICATE THE LEGAL BOUNDARIES OF THE PRINCIPAL COMMUNITY TO BE SERVED.**

Exhibit No.
DNA

- (2) Does the nighttime 5 mV/m or nighttime interference-free contour (whichever is higher) encompass 80% of the principal community to be served (50% for expanded band 1605-1705 kHz stations)?

☐ Yes ☐ No

If No, attach as an Exhibit a justification for waiver of, or exemption pursuant to 47 C.F.R. Section 73.24(i).

Exhibit No.

- (3) For nighttime operation, for stations on a frequency between 535 kHz and 1605 kHz, attach as an Exhibit allocation data including the following:

Exhibit No.

- (a) Proposed nighttime limitation to other existing or proposed stations with which objectionable interference could result, as well as those other proposals and existing stations which require study to show clearly absence of objectionable interference.
- (b) All existing or proposed nighttime limitations which enter into the nighttime RSS limitation of each of the existing or proposed facilities investigated under (3)(a) above.
- (c) All existing or proposed limitations which contribute to the RSS nighttime limitation of the proposed operation, together with those limitations which must be studied before being excluded.
- (d) A detailed interference study plotted upon an appropriate scale map if a question exists with respect to nighttime interference to other existing or proposed facilities along bearing other than on a direct line toward the facility considered. (Clipping study)
- (e) The detailed basis for each nighttime limitation calculated under (3)(a), (b), (c) and (d) above.

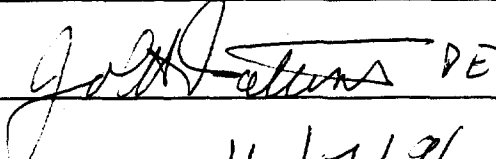
16. Attach as an Exhibit a map (7.5 minute U.S. Geological Survey topographic quadrangles, if available) of the proposed antenna location showing the following information:

Exhibit No.
FOUR

- A. Proposed transmitter location accurately plotted with the latitude and longitude lines clearly marked and showing a scale in kilometers.
- B. Heights of buildings or other structures and terrain elevations in the vicinity of the antenna, indicating the location thereof.
- C. Transmitter location and call signs of non-broadcast radio stations (except amateur and citizens band), established commercial and government receiving stations within three (3) kilometers which may be adversely affected by the proposed operation.
- D. Transmitter location and call letters of all AM, FM and TV broadcast stations within three (3) kilometers of the proposed antenna location.

CERTIFICATION

I certify that I have prepared this Section of this application on behalf of the applicant, and that after such preparation, I have examined and found it to be accurate and true to the best of my knowledge and belief.

Name (Typed or Printed) JOHN H. BATTISON PE	Relationship to Applicant (e.g., Consulting Engineer) CONSULTING ENGINEER
Signature 	Address (include ZIP Code) 2684 SR.60 Loudonville, OH. 44842
Date 11 / 7 / 96	Telephone No. (include Area Code) 419/994-3849

This Engineering Report has been prepared on the instructions of Bluestone Broadcasters, Inc. licensee of WMTD, Hinton, WVA. in support of their application to move to a new transmitter site. WMTD operates with a power of 1 kW Day on 1380 kHz..

The licensee lost the use of its transmitter site when the new landowner refused to renew the lease, and the station has been dark while attempting to find a new site. A suitable new site has been obtained which is a calculated distance of only 0.76 km (0.47 miles) from the old site on a bearing of approximately 292°T.

The change in transmitter location of less than 0.5 miles is *de minimus*, and there will be no effect on the coverage and interference contours of WMTD operating from the new site. Therefore no new coverage or interfering contour exhibit has been prepared. The existing, licensed operating parameters will still obtain from the new site, and no interference will be received from, nor caused to, any authorized or operating stations. Coverage contours will still be essentially the same. Contour information is available in the original filing for CP, File Number BP-14,453. There has been no change since date of filing.

The new antenna will be 60.6m AGL and unlighted. The original antenna was 62.5 m.AGL including beacon. Radiation efficiency will be effectively the same; any change would be *de minimus*.

Authorization to use remote control is requested.

The population within the 1V/M contour was determined by means of a house count.

Environmental Considerations

According to Appendix D, of OST Bulletin Number 65, dated October 1985 an ERP of 1 kW from an antenna with its base surrounded by a protective fence spaced at a radius of 5 metres would not offer any radiation danger to personnel outside this fence. When it becomes necessary to work close to the antenna, power will be reduced or turned off if required.

Exhibit One is a vertical sketch of the proposed antenna.

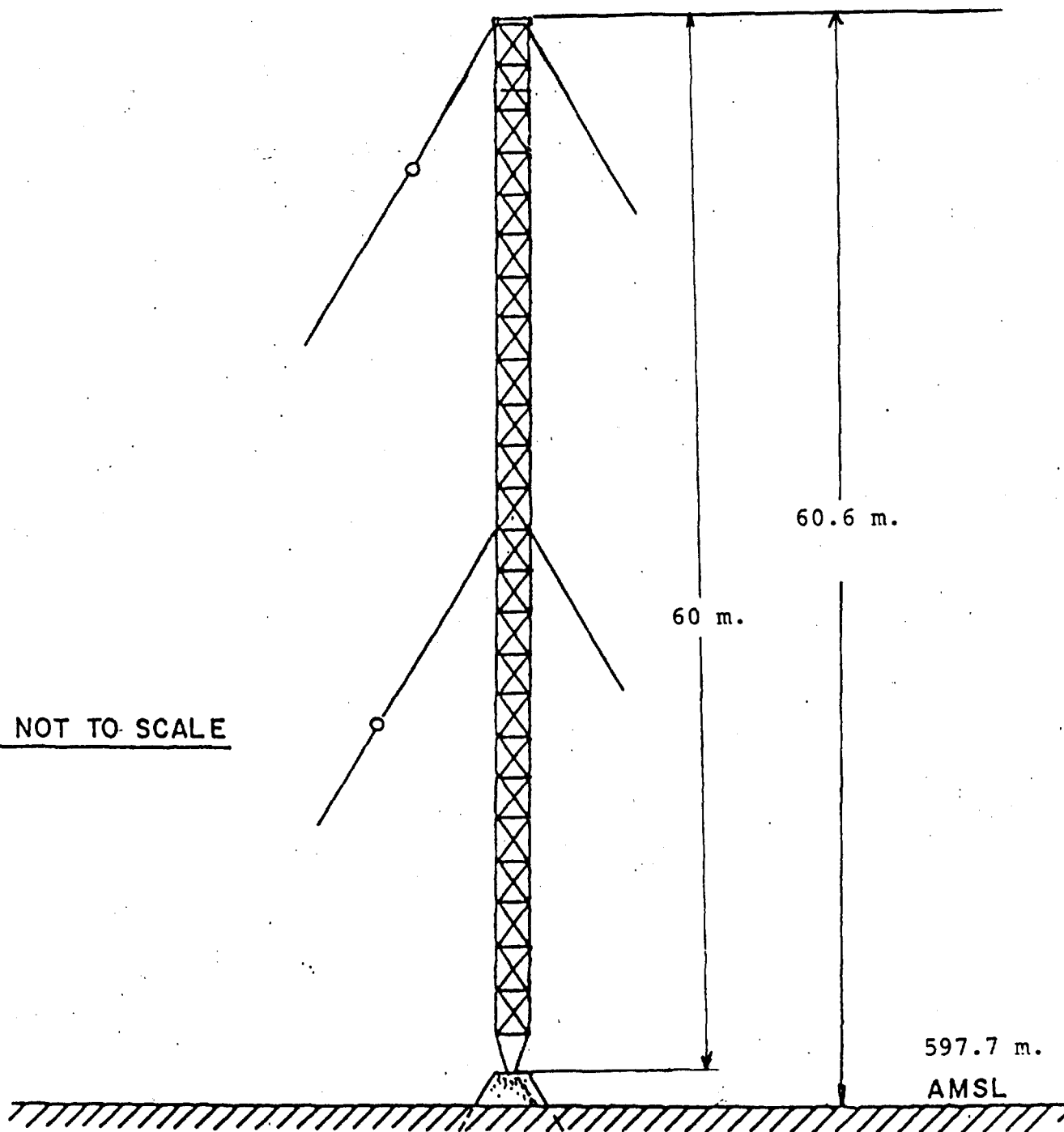
Exhibit Two is a plat showing the ground system and details of the transmitter site.

Exhibit Three is a photographic view of the transmitter site.

Exhibit Four is a topographic map showing the new transmitter site

FAA Form 7460 has not been prepared because the proposed tower is less than 200 feet overall height above ground.

NOTE: NOT TO SCALE



John H. Battison PE
Consulting Radio Engineer
2684 State Rte 60
Loudonville, Ohio 44842

EXHIBIT ONE
ANTENNA SKETCH
HINTON, WVA.
110496

MARKED BOUNDARIES

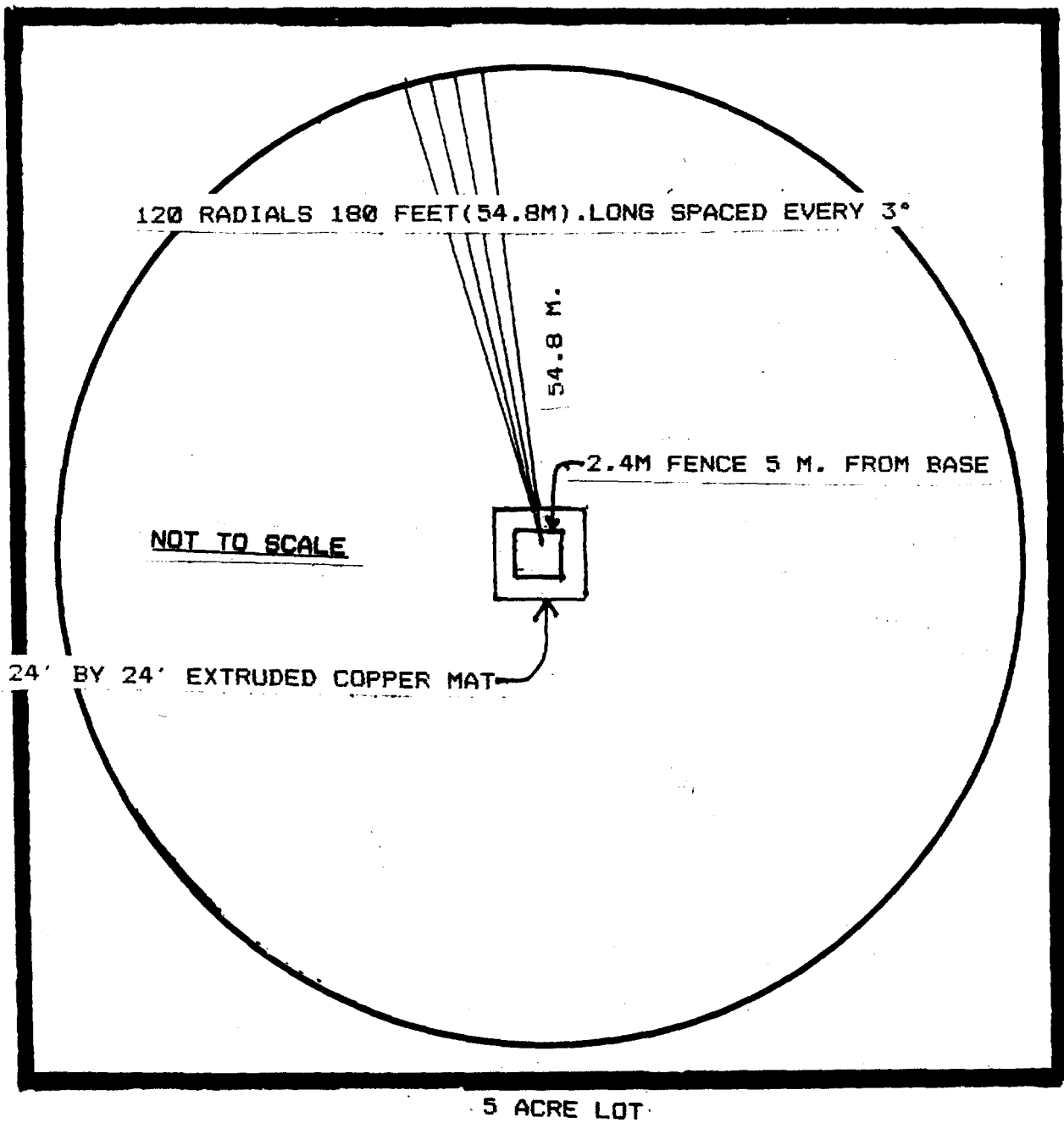


EXHIBIT TWO
TRANSMITTER GROUND
SYSTEM AND PLAT.
HINTON, WVA.
110496



LOOKING NORTH



LOOKING NORTH-EAST

SITE BOUNDARIES

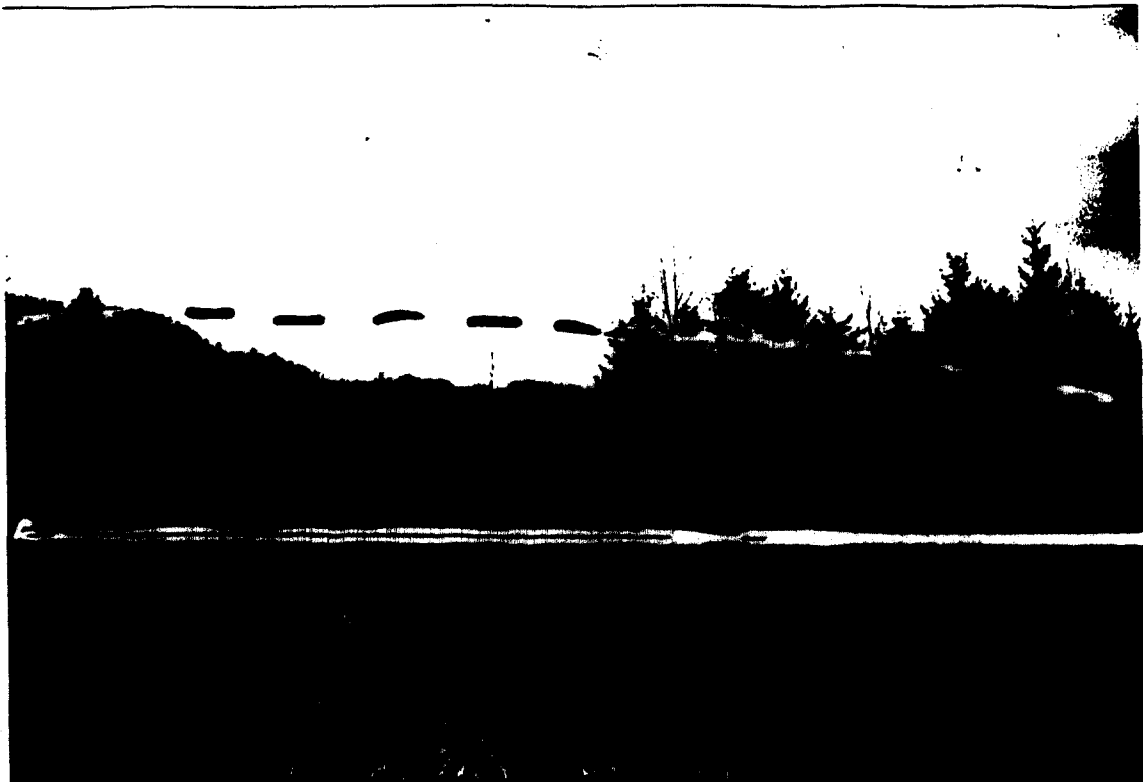


1 M/V CONTOUR



John H. Battison PE
Consulting Radio Engineer
2684 State Rte 60
Loudonville, Ohio 44842

EXHIBIT THREE
TRANSMITTER SITE PHOTOGRAPH
HINTON, WVA.
110496



LOOKING EAST



LOOKING SOUTH-EAST

EXHIBIT THREE
TRANSMITTER SITE PHOTOGR
HINTON, WVA.
110496



LOOKING SOUTH



LOOKING SOUTH-WEST

EXHIBIT THREE
TRANSMITTER SITE PHOTOGRAPH
HINTON, WVA.

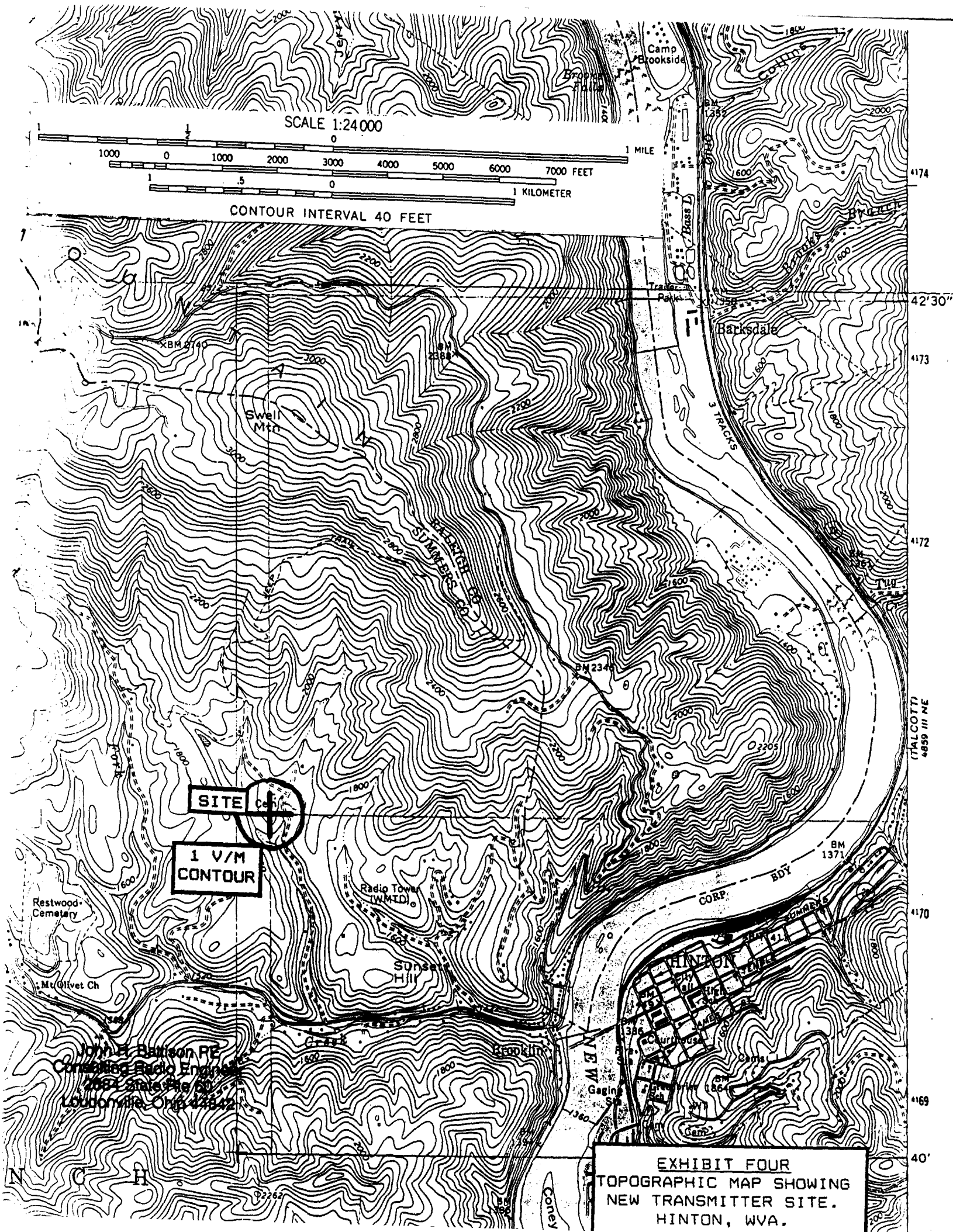


LOOKING WEST



LOOKING NORTH-WEST

EXHIBIT THREE
TRANSMITTER SITE PHOTOGRAPH
HINTON, WVA.
110496



SECTION VI - EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

Does the applicant propose to employ five or more full-time employees? ☐ Yes ☐ No
Minor change DNA

If Yes, the applicant must include an EEO program called for in the separate Broadcast Equal Employment Opportunity Program Report (FCC Form 396-A).

SECTION VII - CERTIFICATIONS

1. Has or will the applicant comply with the public notice requirements of 47 C.F.R. Section 73.3580? ☒ Yes ☐ No
2. Has the applicant reasonable assurance, in good faith, that the site or structure proposed in Section V of this form, as the location of its transmitting antenna, will be available to the applicant for the applicant's intended purpose? ☒ Yes ☐ No

If No, attach as an Exhibit, a full explanation.

Exhibit No.

3. If reasonable assurance is not based on applicant's ownership of the proposed site or structure, applicant certifies that it has obtained such reasonable assurance by contacting the owner or person possessing control of the site or structure.

Name of person contacted: Wyatt and Virginia Lea Hinton

Telephone No. (include area code): 304-466-3475

Person contacted: (check one box below:

☒ Owner ☐ Owner's Agent ☐ Other (specify)

4. By checking Yes, the applicant certifies, that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits that includes FCC benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b). ☒ Yes ☐ No

The APPLICANT hereby waives any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

The APPLICANT acknowledges that all the statements made in this application and attached Exhibits are considered material representations, and that all Exhibits are a material part hereof and incorporated herein.

The APPLICANT represents that this application is not filed for the purpose of impeding, obstructing, or delaying determination on any other application with which it may be in conflict.

In accordance with 47 C.F.R. Section. 1.65, the APPLICANT has a continuing obligation to advise the Commission, through amendments, of any substantial and significant changes in information furnished.

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Name	Bluestone Broadcasters, Inc. Lonnie R. Mullins	Signature	<i>Lonnie R. Mullins</i>
Title	President	Date	November 9, 1996
Typed or Printed Name of Person Signing	Lonnie R. Mullins		

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).



Attachment 2A (1)

KENKEL AND ASSOCIATES

1901 L STREET, N.W.

SUITE 290

WASHINGTON, D.C. 20036

WASHINGTON, D.C.

POTOMAC, MD.

TELEPHONE
(202) 659-4401
(301) 299-6260
FAX
(202) 457-0426

November 12, 1996

JOHN B. KENKEL
D.C. AND MD.

Courier to
Federal Communications Commission
c/o Mellon Bank, 525 Wm Penn Way
Pittsburgh, PA 15259-001

FEDERAL COMMUNICATIONS COMMISSION
MASS MEDIA SERVICES
P.O. Box 358190
Pittsburgh, PA 15251-5180

In re: WMTD(AM), Hinton, WV
Minor Change Application

Mesdames and Gentlemen:

For Bluestone Broadcasters, Inc., licensee of WMTD, 1380 kHz, Hinton, West Virginia, we are filing herewith the original and two copies of FCC Form 301 Application for Minor Change CP. The changes are transmitter location and antenna location and system, the same for a new site to replace the former site which WMTD lost and which occasioned it to go dark. The new site is less than 0.5 mi. from former site.

This application is filed on a SILENT STATION - EXPEDITED PROCESSING premise, per FCC Public Notices May 22, 1996, DA 96-818, et al.

A copy of this application, with the request for Expedited Processing, is being hand-delivered this date to the Audio Services Division, AM Side, Attn: Ms. Sharlene Lofty, Federal Communications Commission, 1919 M Street, NW, Washington, D.C., agreeable with the instructions in the aforementioned Public Notice.

The fee transmittal form is page one of the application. The applicant's check in amount \$690.00 is enclosed for the filing fee.

An extra copy of this letter (filing letter only), labelled for receipt, is enclosed, with a self-addressed, postage paid envelope, for receipt purposes.

If anything further is required, please let us know, and we will respond quickly, since this is on the EXPEDITED PROCESSING basis.

Sincerely yours,

PREDECESSOR FIRMS: KENKEL, BARNARD & EDMUNDSON, KENKEL & BARNARD, CHT'S

Encls.

John B. Kenkel

Federal Communications Commission
Washington, D. C. 20554

Approved by OMB
3060-0027
Expires 06/30/98

FOR
FCC
USE
ONLY

FCC 301

APPLICATION FOR CONSTRUCTION PERMIT FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY
FILE NO.

Section I - GENERAL INFORMATION

1. APPLICANT NAME (Last, First, Middle Initial) Bluestone Broadcasters, Inc.			
MAILING ADDRESS (Line 1) (Maximum 35 characters)		95 Pleasant Street	
MAILING ADDRESS (Line 2) (Maximum 35 characters)			
CITY Hinton	STATE OR COUNTRY (if foreign address) WV	ZIP CODE 25951	
TELEPHONE NUMBER (include area code) 304-466-1380	CALL LETTERS WMTD	OTHER FCC IDENTIFIER (IF APPLICABLE)	
2. A. Is a fee submitted with this application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1113) and go to Question 3. <input type="checkbox"/> Governmental Entity <input type="checkbox"/> Noncommercial educational licensee <input type="checkbox"/> Other (Please explain):			
C. If Yes, provide the following information:			
Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).			
(A)	(B)	(C)	FOR FCC USE ONLY
(1) FEE TYPE CODE M P R	FEE MULTIPLE (if required) 	FEE DUE FOR FEE TYPE CODE IN COLUMN (A) \$ 690.00	
To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.			
(A)	(B)	(C)	FOR FCC USE ONLY
(2)		\$	
ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (2), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.		TOTAL AMOUNT REMITTED WITH THIS APPLICATION \$ 690.00	FOR FCC USE ONLY

LAW OFFICES
KENKEL AND ASSOCIATES

1901 L STREET, N.W.

SUITE 290

WASHINGTON, D.C. 20036

WASHINGTON, D.C.

POTOMAC, MD.

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(202) 659-4401
(301) 299-6260
FAX
(202) 457-0426

Novembwr 12, 1996

JOHN B. KENKEL
D.C. AND MD.

By courier to
Federal Communications Commission
c/o Mellon Bank, 525 William Penn Way
Pittsburgh, PA 15259-001

FEDERAL COMMUNICATIONS COMMISSION
MASS MEDIA SERVICES
AUDIO SERVICES - AM SIDE
P.O. Box 358190
Pittsburgh, PA 15251-5180

In re: WMTD(AM), Hinton W Va
Request for STA

Dear Sir or Madam:

We are filing herewith, in triplicate, the request of Bluestone Broadcasters, Inc., WMTD, Hinton, West Virginia for Special Temporary Authority (STA) to operate with a temporary antenna installation at a site less than 0.5 miles from its licensed site (which was lost and occasioned WMTD going silent), so that WMTD may return to the air. The temporary authority is required to restore service quickly, pending action on the minor change application filed today, with WMTD facing the loss of license otherwise under the provisions of Sec. 403(1) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, §403(1) (1996).

A completed fee processing form is enclosed, together with WMTD's check in amount \$125.00 for the filing fee.

A copy hereof, labelled for receipt, is enclosed, with a self-addressed postage paid envelope, for Receipt purposes.

This STA Request is submitted on a SILENT STATION - EXPEDITED PROCESSING premise, and such relief is prayed for by your applicant.

A copy of this Expedited Processing Request STA application is being delivered to the FCC's Audio Services Division, AM Side, attention Ms. Sharlene Lofty, 1919 M Street, NW, Washington, D.C.

In the premises, your very early attention, kind consideration and favorable action on this STA request will be appreciated.

Sincerely yours,
John B. Kenkel
PREDECESSOR FIRMS: KENKEL, BARNARD & EDMUNDSON; KENKEL & BARNARD, LTD.

Bluestone Broadcasters, Inc.
Radio Station WMTD
95 Pleasant Street
Hinton, WV 25951-2509

Federal Communications Commission
Washington, D.C. 20554

Re: Request for special
temporary authority

Bluestone Broadcasters, Inc., Licensee of AM Station WMTD, Hinton, WV, now silent, is currently working to return the station to the air.

FCC Form 301 seeking a minor change to move to a new transmitter site has been filed with a request for expedited consideration. We are also appealing for a favorable decision in administrative law proceedings now in progress after being designated for hearing on our current license renewal application.

Should we gain the necessary approvals mentioned above, we could still face a deadline for returning to service. Therefore, we are submitting this request. The attached page prepared by John H. Battison, P.E. and made a part of this request, sets forth the technical matters for which special temporary authority is being sought.

Sincerely,

BLUESTONE BROADCASTERS, INC.



Lonnie R. Mullins, President

11/9/96
Date

Attachments: Letter from John H. Battison
Anti-Drug Abuse Act Certification

REQUEST FOR SPECIAL TEMPORARY AUTHORIZATION

This Engineering Report provides technical support for a request for a Special Temporary Authorization for radio station WMTD Hinton, WV. to operate with a temporary antenna installation pending grant of the current application to move the transmitter site. WMTD's latest license specifies 1 kW day, on 1380 kHz.

WMTD had to leave the air because the leased antenna site was sold, and the new landlord refused to grant a new lease. Finally a new site was found and an application for Construction Permit to move to the new site is being filed.

The new Construction Permit may not be issued in time for construction to be completed in time to meet the Commission's deadline for dark radio stations to return to the air.

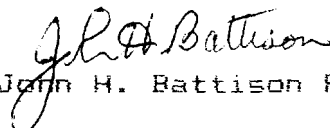
It is therefore requested that a Special Temporary Authorization be issued for WMTD to erect a temporary antenna at the new site, and to operate from there pending issuance of the new CP.

It is proposed to erect two 80 foot poles and to suspend a "TEE" type antenna 100 feet long with a vertical center feed line directly over the place where the new tower will be located. The temporary ground system will consist of a 24 by 24 foot expanded copper screen directly under the center of the antenna with 8 foot copper grounding rods at each corner of the copper screen.

Prior to operation the antenna impedance will be measured, and the antenna current required by the measured base operating impedance to radiate 1 kW will be determined. An antenna tuning unit will be installed to provide the proper impedance transformation.

When the CP is issued the expanded copper screen will form part of the permanent ground system.

A portable building will be placed at the new site, and operations and programming will take place there.


John H. Battison PE

ANTI-DRUG ABUSE ACT CERTIFICATION

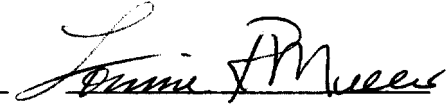
The applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862a, or, in the case of a non-individual applicant (e.g. corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, see 47 C.F.R. Section 1.2002(b).

(X) Yes

() No

BLUESTONE BROADCASTERS, INC.

Name of Applicant



Signature

11/9/96

Date

Lonnie R. Mullins, President

Title